

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**James Cardellini
Kathleen Cardellini**
Debtor(s)

Bankruptcy Case No.: 17-23873-CMB
Per April 29, 2021 Proceeding
Chapter: 13
Docket No.: 59 – 55, 56
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated February 26, 2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PennyMac (Cl. #6) following payment changes implemented; Hyundai Capital America (Cl. #3) as long term continuing debt .
- ☒ H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.

Section 5.1 is amended to reflect a pool of \$12,500.00, and an unsecured percentage of 32%.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: May 3, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
James Cardellini
Kathleen Cardellini
Debtors

Case No. 17-23873-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: May 03, 2021

User: dric
Form ID: 149

Page 1 of 4
Total Noticed: 39

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 05, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ James Cardellini, Kathleen Cardellini, 3817 West Run Road, Munhall, PA 15120-3019
cr	+ Hyundai Motor Finance, Administrator For Hyundai L, 6100 W. Plano Parkway, Suite 2000, Plano, TX 75093-8207
cr	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
14700570	+ American Back Center, 103 Bradford Road, Wexford, PA 15090-6910
14700583	+ Jewelry TV, PO Box 105658, Atlanta, GA 30348-5658
14700584	Macy's, PO Box 8218, Monroe, OH 45050
14770232	PENNYMAC LOAN SERVICES, LLC, P.O. BOX 2010, MOORPARK CA 93020
14700585	+ PennyMac Loan Services, PO Box 660924, Dallas, TX 75266-0924
14700588	+ Target, PO Box 673, Minneapolis, MN 55440-0673
14700589	+ Target, PO Box 1470, Minneapolis, MN 55440-1470
14771461	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
14700592	+ UPMC Physician Services, PO Box 371980, Pittsburgh, PA 15250-7980
14700593	+ UPMC Shadyside, PO Box 382059, Pittsburgh, PA 15250-0001
14700594	+ Windham Professional, PO Box 1048, Salem, NH 03079-1048

TOTAL: 14

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
14700569	+ Email/Text: amieg@stcol.com	May 04 2021 04:12:00	Allegheny Health Network, c/o State Collections, PO Box 6250, Madison, WI 53716-0250
14700571	+ Email/PDF: gecsed@recoverycorp.com	May 04 2021 03:27:33	Care Credit/Synchrony Bank, PO Box 965036, Orlando, FL 32896-5036
14700573	+ Email/PDF: Citi.BNC.Correspondence@citi.com	May 04 2021 03:25:04	Citi Card, PO Box 9001037, Louisville, KY 40290-1037
14700574	+ Email/Text: dplbk@discover.com	May 04 2021 04:18:00	Discover Personal Loan, PO Box 6105, Carol Stream, IL 60197-6105
14706577	+ Email/Text: dplbk@discover.com	May 04 2021 04:18:00	Discover Personal Loans, PO Box 30954, Salt Lake City, UT 84130-0954
14775812	+ Email/Text: kbarkley@bernsteinlaw.com	May 04 2021 04:19:00	Duquesne Light Company, c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
14700575	+ Email/PDF: gecsed@recoverycorp.com	May 04 2021 03:24:57	Evine Live, PO Box 96009, Orlando, FL 32896-0001
14700577	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	May 04 2021 04:17:00	HSN, PO Box 659707, San Antonio, TX 78265-9707
14700578	+ Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM	May 04 2021 04:17:00	HSN 2/Comenity, PO Box 182120, Columbus, OH 43218-2120
14700576	+ Email/Text: reports@halstedfinancial.com	May 04 2021 04:12:00	Halstad Financial, PO Box 828, Skokie, IL

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14740749	+ Email/Text: Hcabankruptcy-courtntices@hcamerica.com	May 04 2021 04:19:00	60076-0828 Hyundai Capital America DBA, Hyundai Motor Finance, PO Box 20809, Fountain Valley, CA 92728-0809
14770267	+ Email/Text: Hcabankruptcy-courtntices@hcamerica.com	May 04 2021 04:19:00	Hyundai Lease Titling Trust, PO Box 20809, Fountain Valley, CA 92728-0809
14700579	+ Email/Text: Hcabankruptcy-courtntices@hcamerica.com	May 04 2021 04:19:00	Hyundai Motor Finance, PO Box 660891, Dallas, TX 75266-0891
14700580	+ Email/Text: Hcabankruptcy-courtntices@hcamerica.com	May 04 2021 04:19:00	Hyundai Motor Finance, PO Box 650805, Dallas, TX 75265-0805
14700582	Email/Text: sbse.cio.bnc.mail@irs.gov	May 04 2021 04:17:00	Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
14700572	Email/PDF: ais.chase.ebn@americaninfosource.com	May 04 2021 03:26:18	Chase Visa, PO Box 1423, Charlotte, NC 28201
14763725	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	May 04 2021 03:25:02	Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14702642	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	May 04 2021 03:25:02	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14700586	+ Email/PDF: gecsed@recoverycorp.com	May 04 2021 03:27:33	QVC/Synchrony Bank, PO Box 530905, Atlanta, GA 30353-0905
14771357	Email/Text: bnc-quantum@quantum3group.com	May 04 2021 04:17:00	Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
14700587	+ Email/PDF: Citi.BNC.Correspondence@citi.com	May 04 2021 03:26:27	Sears, PO Box 9001055, Louisville, KY 40290-1055
14775735	+ Email/Text: bncmail@w-legal.com	May 04 2021 04:18:00	TD Bank USA, N.A., C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
14700590	+ Email/PDF: gecsed@recoverycorp.com	May 04 2021 03:24:57	TJX Rewards, PO Box 530948, Atlanta, GA 30353-0948
14700591	+ Email/PDF: gecsed@recoverycorp.com	May 04 2021 03:26:16	TJX Rewards Master Card, PO Box 530949, Atlanta, GA 30353-0949
14745944	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	May 04 2021 03:27:43	Verizon, by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838

TOTAL: 25

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Duquesne Light Company
cr		PENNYMAC LOAN SERVICES, LLC
cr		Pennymac Loan Services, LLC
cr	*+	PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14714454	*+	Allegheny Health Network, c/o State Collections, PO Box 6250, Madison, WI 53716-0250
14714455	*+	American Back Center, 103 Bradford Road, Wexford, PA 15090-6910
14714456	*+	Care Credit/Synchrony Bank, PO Box 965036, Orlando, FL 32896-5036
14714458	*+	Citi Card, PO Box 9001037, Louisville, KY 40290-1037
14714459	*+	Discover Personal Loan, PO Box 6105, Carol Stream, IL 60197-6105
14714460	*+	Evine Live, PO Box 96009, Orlando, FL 32896-0001
14714462	*+	HSN, PO Box 659707, San Antonio, TX 78265-9707
14714463	*+	HSN 2/Comenity, PO Box 182120, Columbus, OH 43218-2120
14714461	*+	Halstad Financial, PO Box 828, Skokie, IL 60076-0828
14700581	*+	Hyundai Motor Finance, PO Box 660891, Dallas, TX 75266-0891
14714464	*+	Hyundai Motor Finance, PO Box 660891, Dallas, TX 75266-0891

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14714466	*+	Hyundai Motor Finance, PO Box 660891, Dallas, TX 75266-0891
14714465	*+	Hyundai Motor Finance, PO Box 650805, Dallas, TX 75265-0805
14714467	*	Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346
14714457	*P++	JPMORGAN CHASE BANK N A, BANKRUPTCY MAIL INTAKE TEAM, 700 KANSAS LANE FLOOR 01, MONROE LA 71203-4774, address filed with court:, Chase Visa, PO Box 1423, Charlotte, NC 28201
14714468	*+	Jewelry TV, PO Box 105658, Atlanta, GA 30348-5658
14714469	*	Macy's, PO Box 8218, Monroe, OH 45050
14714470	*+	PennyMac Loan Services, PO Box 660924, Dallas, TX 75266-0924
14714471	*+	QVC/Synchrony Bank, PO Box 530905, Atlanta, GA 30353-0905
14714472	*+	Sears, PO Box 9001055, Louisville, KY 40290-1055
14714475	*+	TJX Rewards, PO Box 530948, Atlanta, GA 30353-0948
14714476	*+	TJX Rewards Master Card, PO Box 530949, Atlanta, GA 30353-0949
14714473	*+	Target, PO Box 673, Minneapolis, MN 55440-0673
14714474	*+	Target, PO Box 1470, Minneapolis, MN 55440-1470
14714477	*+	UPMC Physician Services, PO Box 371980, Pittsburgh, PA 15250-7980
14714478	*+	UPMC Shadyside, PO Box 382059, Pittsburgh, PA 15250-0001
14714479	*+	Windham Professional, PO Box 1048, Salem, NH 03079-1048

TOTAL: 3 Undeliverable, 28 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 05, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 3, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PENNYMAC LOAN SERVICES LLC bnicholas@kmlawgroup.com
Jerome B. Blank	on behalf of Creditor Pennymac Loan Services LLC pawb@fedphe.com
Kenneth M. Steinberg	on behalf of Debtor James Cardellini julie.steidl@steidl-steinberg.com kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-steinberg.com
Kenneth M. Steinberg	on behalf of Joint Debtor Kathleen Cardellini julie.steidl@steidl-steinberg.com kenny.steinberg@steidl-steinberg.com;cgoga@steidl-steinberg.com;jbarlow@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-steinberg.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
S. James Wallace	on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com Equitablebankruptcy@peoples-gas.com
Thomas Song	

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on behalf of Creditor PENNYMAC LOAN SERVICES LLC pawb@fedphe.com

Thomas Song

on behalf of Creditor Pennymac Loan Services LLC pawb@fedphe.com

William E. Craig

on behalf of Creditor Hyundai Motor Finance Administrator For Hyundai Lease Titling Trust ecfmail@mortoncraig.com,
mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 11